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To: USPTO

From: William B. Slate

FAX #: 571-273-8300

Date: June 19, 2008

Your Ref.: SN 10/734,696

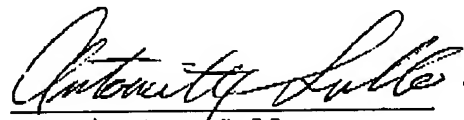
Our Ref.: 085.10762-US(03-501)

Number of Pages including this sheet: 3

Confirmation Copy to Follow: Yes XX No

\* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 19<sup>th</sup> day of June, 2008 to the USPTO, at Fax No. 571-273-8300.

  
Antoinette Sullo

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.:	10/734,696	Att'y Docket:	EH-10762 (03-501)
Filing Date:	December 12, 2003	Conf No.:	1219
Inventor(s):	Robert L. Memmen et al.	Group Art Unit:	3726
Assignee:	United Technologies Corporation	Examiner:	John C. Hong
Title:	TURBINE ELEMENT REPAIR		

Correspondence Address:  
Customer Number 34704REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITYMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests reconsideration of the finality of the April 28, 2008 Office action as being premature and requests the finality be withdrawn.

If necessary for consideration, Applicant requests that this request be treated as a petition.

Claims 1, 2, 6-12, and 15 were rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. (US2002/0076573) in view of JP08209339.

Claims 3 and 5 were rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of JP2003188115. JP '115 was newly cited. The examiner provided a translation of JP '115.

Claim 4 was rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of Osada et al. (US5624720).

Claim 13 was rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of Carl, Jr. et al. (US6754955).

The Office action asserted that Applicant's amendment necessitated the new ground(s) of rejection. Office action, page 7, §8. All the above are new grounds.

MPEP 706.07(a) states that a "final rejection is improper where there is another new ground of rejection introduced by the examiner which was not necessitated by amendment to the claims." MPEP 8, Rev. 6, p. 700-83, col. 2 (9/2007). That section further provides that the action